

## **REGULATION III - CONTROL OF AIR CONTAMINANTS**

### **RULE 310.01**

#### **FUGITIVE DUST FROM**

#### **OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, AND UNPAVED ROADWAYS**

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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 310.01  
FUGITIVE DUST FROM  
OPEN AREAS, VACANT LOTS, UNPAVED PARKING LOTS, AND UNPAVED ROADWAYS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To limit the emission of particulate matter into the ambient air from open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not regulated by Rule 310 (Fugitive Dust) of these rules and which do not require a permit nor a Dust Control Plan. The effect of this rule shall be to minimize the amount of fine particulate matter (PM<sub>10</sub>) entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.
- 102 APPLICABILITY:** The provisions of this rule shall apply to open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not regulated by Rule 310 (Fugitive Dust) of these rules and which do not require a permit nor a Dust Control Plan. In addition, the provisions of this rule shall apply to any open area or vacant lot that is not defined as agricultural land and is not used for agricultural purposes according to Arizona Revised Statutes (ARS) §42-12151 and ARS §42-12152. The provisions of this rule shall not apply to normal farm cultural practices according to ARS §49-457 and ARS §49-504.4.

**SECTION 200 - DEFINITIONS:** See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 BULK MATERIAL** - Any material, including, but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, fluff (from shredders), and dry concrete, that are capable of producing fugitive dust.
- 202 CHEMICAL/ORGANIC STABILIZER** - Any non-toxic chemical or organic dust suppressant, other than water, which meets any specifications, criteria, or tests required by any Federal, State, or local water agency and is not prohibited for use by any applicable law, rule, or regulation.

- 203 CONTROL MEASURE** - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.
- 204 DISTURBED SURFACE AREA** - A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 300 of this rule, as applicable.
- 205 DUST SUPPRESSANT** - Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer, or any other dust palliative, which is not prohibited for ground surface application by the Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
- 206 FEEDLOTS AND/OR LIVESTOCK AREAS** - Any area on which an operation directly related to feeding animals, displaying animals, racing animals, exercising animals, and/or for any other such activity exists.
- 207 FUGITIVE DUST** - The particulate matter not collected by a capture system, that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control Of Air Contaminants) of these rules.
- 208 MOTOR VEHICLE** - A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- 209 NORMAL FARM CULTURAL PRACTICE** - All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.
- 210 OFF-ROAD VEHICLE** - Any self-propelled conveyance specifically designed for off-road use, including, but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.

- 211 OPEN AREAS AND VACANT LOTS** - Any of the following described in Section 211.1 through Section 211.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.
- 211.1** An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
- 211.2** A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings or structures of a temporary or permanent nature.
- 211.3** A partially developed residential, industrial, institutional, governmental, or commercial lot.
- 211.4** A tract of land, in the PM<sub>10</sub> nonattainment area, adjoining agricultural property.
- 212 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises a fugitive dust source subject to the requirements of this rule.
- 213 PAVE** - To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).
- 214 PM<sub>10</sub> NONATTAINMENT AREA** - An area designated by the EPA as exceeding national ambient air quality standards based upon data collected thru air quality monitoring. The geographical boundary of Maricopa County's PM<sub>10</sub> nonattainment area is defined as the rectangle determined by and including the following townships and ranges: T6N, R3W; T6N, R7E; T2S, R3W; T2S, R7E; and T1N, R8E. Maricopa County's PM<sub>10</sub> nonattainment area includes the following cities: Surprise, Peoria, Glendale, Phoenix, Scottsdale, Tempe, Mesa, Gilbert, Chandler, Avondale, Buckeye, and Goodyear.
- 215 PUBLIC ROADWAYS** - Any roadways that are open to public travel.
- 216 UNPAVED PARKING LOT** - Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.
- 217 UNPAVED ROADWAY (INCLUDING ALLEYS)** - A road that is not paved and that is owned by Federal, State, county, municipal, or other governmental or quasi-governmental agencies. For the purpose of this rule, an unpaved roadway (including alleys) is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.

- 218 VACANT LOT** - The definition of vacant lot is included in Section 211 (Definition Of Open Areas And Vacant Lots) of this rule.

## **SECTION 300 - STANDARDS**

- 301 VEHICLE USE IN OPEN AREAS AND VACANT LOTS:** If open areas and vacant lots are 0.10 acre or larger and have a cumulative of 500 square feet or more that are driven over and/or used by motor vehicles and/or off-road vehicles, then the owner and/or operator of such open areas and vacant lots shall implement one of the control measures described in Section 301.1 of this rule within 60 calendar days following the initial discovery of vehicle use on open areas and vacant lots. Within 30 calendar days following the initial discovery by the Control Officer of vehicle use on open areas and vacant lots, the owner and/or operator of such open areas and vacant lots shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented to prevent such vehicle use on open areas and vacant lots. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the open areas and vacant lots meet one of the stabilization limitations described in Section 301.2 of this rule. Once a control measure in Section 301.1 of this rule has been effectively implemented, then such open area or vacant lot is subject to the requirements of Section 302 (Open Areas And Vacant Lots) of this rule. Use of or parking on open areas and vacant lots by the owner and/or operator of such open areas and vacant lots and/or landscape maintenance of such open areas and vacant lots shall not be considered vehicle use in open areas and vacant lots, although such open areas and vacant lots shall still meet the stabilization limitations described in Section 301.2 of this rule. For the purpose of this rule, landscape maintenance does not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

### **301.1 Control Measures:**

- a.** Prevent motor vehicle and/or off-road vehicle trespassing, parking, and/or access, by installing barriers, curbs, fences, gates, posts, signs (written in English and Spanish and in compliance with ordinance(s) of local jurisdictions), shrubs, trees, or other effective control measures.
- b.** Uniformly apply and maintain surface gravel or chemical/organic stabilizers to all areas disturbed by motor vehicles and/or off-road vehicles in compliance with one of the stabilization limitations described in Section 301.2 of this rule.
- c.** Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.

### **301.2 Stabilization Limitations:**

- a. A visible crust shall be implemented, as determined by Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or
- b. A threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher shall be implemented, as determined by Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules; or
- c. Flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50% shall be implemented, as determined by Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules; or
- d. Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30% shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or
- e. Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or
- f. A percent cover that is equal to or greater than 10% for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules; or
- g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.

**302 OPEN AREAS AND VACANT LOTS:** If open areas and vacant lots have 0.5 acre or more of disturbed surface area and remain unoccupied, unused, vacant, or undeveloped for more than 15 days, then the owner and/or operator of such open areas and vacant lots shall implement one of the control measures described in Section 302.1 of this rule within 60 calendar days following the initial discovery of the disturbance on the open areas and vacant lots. Within 30 calendar days following the initial discovery by the Control Officer of the

disturbance on the open areas and vacant lots, the owner and/or operator of such open areas and vacant lots shall provide in writing to the Control Officer a description and date of the control measure(s) to be implemented. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the open areas and vacant lots meet one of the stabilization limitations described in Section 302.2 of this rule. Should an open area or vacant lot on which no activity is occurring contain more than one type of disturbance, soil, vegetation, or other characteristics that are visibly distinguishable, then each representative surface shall be tested separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Appendix C of these rules and included or eliminated from the total size assessment of disturbed surface area(s) depending on test method results.

### **302.1 Control Measures:**

- a. Establish vegetative ground cover on all disturbed surface areas within 60 calendar days following the initial discovery of the disturbance. Such control measure(s) must be maintained and reapplied, if necessary, until the disturbed surface areas are stabilized, in compliance with one of the stabilization limitations described in Section 302.2 of this rule. Stabilization shall be achieved, per this control measure, within eight months after the control measure has been implemented.
- b. Apply a dust suppressant to all disturbed surface areas, in compliance with one of the stabilization limitations described in Section 302.2 of this rule.
- c. Restore all disturbed surface areas within 60 calendar days following the initial discovery of the disturbance, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions. Such control measure(s) must be maintained and reapplied, if necessary, until the disturbed surface areas are stabilized, in compliance with one of the stabilization limitations described in Section 302.2 of this rule. Stabilization shall be achieved, per such control measure, within eight months after such control measure has been implemented.
- d. Uniformly apply and maintain surface gravel, in compliance with one of the stabilization limitations described in Section 302.2 of this rule.
- e. Apply and maintain an alternative control measure approved in writing by the Control Officer and the Administrator of the EPA.

### **302.2 Stabilization Limitations:**

- a. A visible crust shall be implemented, as determined by Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or
- b. A threshold friction velocity (TFV), corrected for non-erodible elements of 100 cm/second or higher, shall be implemented, as determined by Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules; or
- c. Flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50% shall be implemented, as determined by Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules; or
- d. Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30% shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or
- e. Standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules; or
- f. A percent cover that is equal to or greater than 10% for non-erodible elements shall be implemented, as determined by Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules; or
- g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA shall be implemented.

**303 UNPAVED PARKING LOTS:** The owner and/or operator of an unpaved parking lot shall implement one of the control measures described in Section 303.1 of this rule on any surface area(s) of the lot on which vehicles enter, park, and exit. For unpaved parking lots that are utilized intermittently, for a period of 35 days or less during the calendar year, the owner and/or operator shall implement one of the control measures described in Section 303.1 of this rule, during the period that the unpaved parking lots are utilized for vehicle parking. For the purpose of



this rule, such control measure(s) shall be considered effectively implemented when the unpaved parking lot meets the stabilization and opacity limitations described in Section 303.2 of this rule.

**303.1 Control Measures:**

- a. Pave.
- b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule.
- c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 303.2 of this rule.

**303.2 Stabilization And Opacity Limitations:** For the purpose of this rule, control measures shall be considered effectively implemented when stabilization and opacity observations for fugitive dust emissions from unpaved parking lots do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules:

- a. Silt loading is equal to or greater than 0.33 oz/ft<sup>2</sup>; or
- b. Silt content does not exceed 8%.

**304 UNPAVED ROADWAYS (INCLUDING ALLEYS):** If a person allows 150 vehicles or more per day to use an unpaved roadway (including alleys) in the PM<sub>10</sub> nonattainment area, then such person shall first implement one of the control measures described in Section 304.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the unpaved roadway (including alleys) meets the stabilization and opacity limitation described in Section 304.2 of this rule.

**304.1 Control Measures:**

- a. Pave.
- b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 304.2 of this rule.
- c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 304.2 of this rule.

**304.2 Stabilization And Opacity Limitations:** For the purpose of this rule, control measures shall be considered effectively implemented when

stabilization and opacity observations for fugitive dust emissions from unpaved roadways (including alleys) do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules:

- a. Silt loading is equal to or greater than 0.33 oz/ft<sup>2</sup>; or
- b. Silt content does not exceed 6%.

**305 FEEDLOTS AND/OR LIVESTOCK AREAS:** The owner and/or operator of any feedlot and/or livestock area shall implement one of the control measures described in Section 305.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented when the feedlot and/or livestock area meets the opacity limitation described in Section 305.2 of this rule.

**305.1 Control Measures:**

- a. Apply dust suppressants, in compliance with the opacity limitation described in Section 305.2 of this rule.
- b. Uniformly apply and maintain surface gravel, in compliance with the opacity limitation described in Section 305.2 of this rule.
- c. Install shrubs and/or trees within 50 feet to 100 feet of animal pens, in compliance with the opacity limitation described in Section 305.2 of this rule.

**305.2 Opacity Limitation:** For the purpose of this rule, control measures shall be considered effectively implemented when opacity observations for fugitive dust emissions from feedlots and/or livestock areas do not exceed 20% opacity, as determined by Appendix C, Section 3 (Visual Determination Of Opacity Of Emissions From Sources For Time-Average Regulations) of these rules.

**306 EROSION-CAUSED DEPOSITION OF BULK MATERIALS ONTO PAVED SURFACES:** In the event that erosion-caused deposition of bulk materials or other materials occurs on any adjacent paved roadway or paved parking lot, the owner and/or operator of the property from which the deposition eroded shall implement both of the control measures described in Section 306.1 of this rule. For the purpose of this rule, such control measures shall be considered effectively implemented when the deposition meets the opacity limitation described in Section 306.2 of this rule. Exceedances of the opacity limitation, due to erosion-caused deposition of bulk materials onto paved surfaces, shall constitute a violation of the opacity limitation.

**306.1 Control Measures:**

- a. Remove any and all such deposits by utilizing the appropriate control measures within 24 hours of the deposits' identification or prior to the resumption of traffic on pavement, where the pavement area has been closed to traffic; and
- b. Dispose of deposits in such a manner so as not to cause another source of fugitive dust.

**306.2 Opacity Limitation:** For the purpose of this rule, control measures shall be considered effectively implemented when opacity observations for fugitive dust emissions from erosion-caused deposition of bulk materials onto paved surfaces do not exceed 20% opacity, as described in Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules.

**307 EASEMENTS, RIGHTS-OF-WAY, AND ACCESS ROADS FOR UTILITIES (ELECTRICITY, NATURAL GAS, OIL, WATER, AND GAS TRANSMISSION):** If an owner and/or operator allows 150 vehicles or more per day to use an easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) in the PM<sub>10</sub> nonattainment area, then such owner and/or operator shall first implement one of the control measures described in Section 307.1 of this rule. For the purpose of this rule, such control measure(s) shall be considered effectively implemented, when the easement, right-of-way, and access road for utilities (electricity, natural gas, oil, water, and gas transmission) meet the stabilization and opacity limitation described in Section 307.2 of this rule.

**307.1 Control Measures:**

- a. Pave.
- b. Apply dust suppressants, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.
- c. Uniformly apply and maintain surface gravel, in compliance with the stabilization and opacity limitations described in Section 307.2 of this rule.

**307.2 Stabilization And Opacity Limitations:** For the purpose of this rule, control measures shall be considered effectively implemented when stabilization and opacity observations for fugitive dust emissions from easements, rights-of-way, and access roads for utilities (electricity, natural gas, oil, water, and gas transmission) do not exceed 20% opacity and meet one of the following, as determined by Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules:

- a. Silt loading is not equal to or greater than 0.33 oz/ft<sup>2</sup>; or

- b. Silt content does not exceed 6%.

## **SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

## **SECTION 500 - MONITORING AND RECORDS**

### **501 STABILIZATION OBSERVATIONS:**

**501.1** Stabilization observations for unpaved parking lots and/or unpaved roadways (including alleys) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules.

**501.2** Stabilization observations for an open area and vacant lot shall be conducted in accordance with the following:

- a. Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules; or
- b. Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules, where the threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements is 100 cm/second or higher; or
- c. Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules, where flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) is equal to at least 50%; or
- d. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules, where standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 30%; or
- e. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules, where the standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) is equal to or greater than 10% and where the threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43 cm/second; or

- f. Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules where a percent cover is equal to or greater than 10% for non-erodible elements.
- g. An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.

**502 RECORDKEEPING:** Any person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, such person shall provide the records and supporting documentation within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, such person shall provide the records without delay.

**503 RECORDS RETENTION:** Copies of the records required by Section 502 (Recordkeeping) of this rule shall be retained for at least one year.